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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/761,826      | 01/21/2004  | Stephen J. Todd      | E0295.70200US00     | 4078             |

23628 7590 11/15/2007  
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| EXAMINER |
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DARE, RYAN A

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| ART UNIT | PAPER NUMBER |
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2186

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| MAIL DATE | DELIVERY MODE |
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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/761,826

Applicant(s)

TODD ET AL.

Examiner

Ryan Dare

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 14 is/are allowed.
- 6) ☒ Claim(s) 1, 8, 15 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-6, 9-13 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hochberg et al., US PG Pub 2005/0055518.

3. With respect to claim 1, Murata teaches **a method of processing data in a computer system comprising at least one host and at least one storage system, the method comprising acts of:**

**(A) sending to the at least one storage system, from the at least one host, a request to store a unit of data, the request including the retention period for the unit of data,** in fig. 4, step 100 and par. 38. Fig. 3 shows the retention period that accompanies the data. In fig. 1, the host is one of the clients 6a-c, and the storage system is Archive Server 2 and Archival Storage 4. ;

**(B) after expiration of at least some of the retention period, determining if a specified event has occurred,** in par. 43 and fig. 6. The Examiner is considering the “event” of the present claim as “the current time minus the retention period start exceeding the retention period.”

**(C) when it is determined in the act (B) that the specified event has not occurred, extending the retention period for the unit of data,** in par. 45 and fig. 7. If

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the event hasn't occurred, i.e. the retention period hasn't expired, and there is a request to increase retention period of a non-expired object, the retention period is increased, as shown in steps 214 and 216.

**(D) repeating the acts (B) and (C) until it is determined in the act (B) that the specified event has occurred**, in par. 43 and fig. 6.

4. With respect to claims 8, Applicant claims a computer readable medium encoded with instructions that perform the method of claim 1, and is therefore rejected using similar logic.

5. With respect to claim 15, Applicant claims a host computer for use in a computer system that includes the host computer and at least one storage system, the host computer comprising means for performing the method of claim 1, and is therefore rejected using similar logic.

6. With respect to claim 21, Hochberg teaches the host computer of claim 15, in combination with the at least one storage system, in fig. 1, where the storage system is Archival Storage 4.

### ***Response to Arguments***

7. Applicant's arguments, see the request for reconsideration, filed 10/02/07, with respect to claims 1-21 have been fully considered and are persuasive. The rejection of claims 1-21 has been withdrawn. However, the previously cited Hochberg reference has been used to reject claims 1, 8, 15 and 21.

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The rejection under the Hochberg reference had been previously withdrawn, but a different section of the Hochberg reference has been used to reject independent claims 1, 8 and 15. The Examiner had previously used the "event based retention policy" and considered the polling for the event as step D as discussed in the prior final office action dated 7/17/06. However, the examiner is now using the periodic scan of the expiration table shown in fig. 6 and described in par. 43 to teach the steps of B and C. In addition, the "event" isn't the "event" as used by Hochberg. The "event" is the retention period expiring.

#### ***Allowable Subject Matter***

8. Claims 7 and 14 are allowable over the prior art on record.
9. Claims 2-6, 9-13, and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Dare whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/  
Ryan Dare  
November 13, 2007



MATTHEW KIM  
SUPERVISORY PATENT EXAMINER  
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